*JFW*

Docket #: 411F US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Metcalf et al

Serial No.: 10/635,054

Filed: August 6, 2003

For: Phosphorus-containing Compounds &amp; Uses Thereof

- September 14, 2004

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Applicant hereby files the following documents on this date:

- Information Disclosure Statement Under 37 CFR §1.97(B)
- Form 1449
- Copies of 19 References listed on Form 1449

Respectfully submitted,

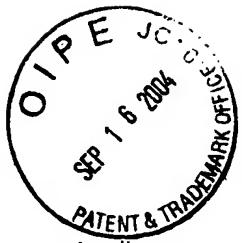
9/14/04David L Berstein

David L. Bernstein, Reg No. 31,235  
ARIAD Gene Therapeutics, Inc.  
26 Landsdowne Street  
Cambridge, MA 02139  
Telephone: 617-494-0400 Ext. 266  
Facsimile: 617-494-0208

Date: September 14, 2004

I hereby certify that this paper is being deposited with the United States Postal Service via First Class Mail under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450.

Signed: Sue Wilson  
Sue Wilson



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**Information Disclosure Statement Under 37 CFR §1.97(B)**

Applicants and their agents/attorneys are aware of the following publications and information, and in accordance with 37 C.F.R. § 1.97 and § 1.98, wish to make them of record. Form PTO-1449 is enclosed.

The Examiner is respectfully requested to initial the space adjacent to each document on the PTO-1449 form and return a copy of the PTO-1449 form to confirm that these documents have been considered by the Examiner and made of record in this application.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited publications.

No additional costs are believed to be due in connection with the filing of this disclosure. However, please charge any necessary fees to our Deposit Account No. 01-2315. Should there be any questions after review of this paper, the Examiner is invited to contact the undersigned at (617) 494-0400 x266.

Respectfully submitted,

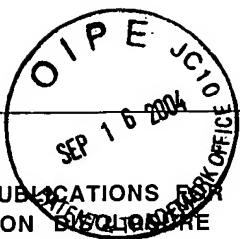
Date: 9/14/04

David L Bernstein  
David L. Bernstein, Reg. No. 31,235  
ARIAD Gene Therapeutics, Inc.  
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(617) 494-0400 Ext. 266

I hereby certify that this paper is being deposited with the United States Postal Service "First Class Mail" on the date indicated below and is addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450.

Date 9/14/04

Signed Sue Wilson  
Sue Wilson



Form PTO-1449 (Modified)		ATTY DOCKET NO 411F US	SERIAL NO. 10/635,054
LIST OF PATENTS AND PUBLICATIONS FROM APPLICANT'S INFORMATION DISCLOSURE STATEMENT		APPLICANT Metcalf et al.	
		FILING DATE August 6, 2003	GROUP

### U.S. PATENT DOCUMENTS

Exam Init	Ref Des	Document No.	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
		5,206,018	04/27/93	Sehgal et al.			
		5,234,456	08/10/93	Silvestrini			
		5,310,903	05/10/94	Goulet et al.			
		5,385,910	01/31/95	Ocain et al.			
		5,391,730	02/21/95	Skotnicki et al.			
		5,434,260	07/18/95	Skotnicki et al.			
		5,489,680	02/06/96	Failli et al.			
		5,491,231	02/13/96	Nelson et al.			
		5,516,781	05/14/96	Morris et al.			
		5,665,591	09/09/97	Sonenshein et al.			
*		5,851,217	12/22/98	Wolff et al.			
*		5,968,091	10/19/99	Pinchuk et al.			
*		6,146,358	11/14/00	Rowe			
		6,152,141	11/28/00	Stevens et al.			
		6,585,764 B2	07/01/03	Wright et al			
		2001/0010920 A1		Molnar-Kimber et al.			02/02/01

### FOREIGN PATENT DOCUMENTS

Exam Init	Ref Des	Country & Doc. No.	Pub. Date	Name	Class	Sub Class	Translation Yes No
		WO 90/13332	11/15/90	Cedars-Sinai Medical Center			
		WO 92/06992	04/30/92	Merck & Co., Inc.			
		WO 2003/064383 A3	08/07/03	ARIAD Gene Therapeutics, Inc.			

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in the parent case, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered; whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.